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COMMISSION ON HUMAN RIGHTS

Forty-sixth session

SUMMARY RECORD OF THE 4TH MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 31 January 1990, at 3 p.m.

Chairman: Mrs. QUISUMBING (Philippines)

CONTENTS

Question of the violation of human rights in the occupied Arab territories, including Palestine (continued)

The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation (continued)

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The meeting was called to order at 3.10 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1990/3, 4 and 59; A/44/352 and 559)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (continued) (E/CN.4/1990/10, 11 and 58 and A/44/526)

1. Mr. STANEVSKI (Union of Soviet Socialist Republics) said that the Commission had been considering the question under agenda item 4 for over 20 years. The information from the West Bank and the Gaza Strip showed a true military front in existence there, brought about by Israel's determination to continue its occupation, dating back to 1967, and its denial of self-determination to the people of the occupied territories, which was also being subjected to discrimination and deprived of its cultural heritage in a land inhabited by its ancestors from time immemorial. Israeli extremists were committing acts offensive to Muslims, both inside and outside the territories. Although the Israeli Government insisted that it wanted a settlement, its repression of the peaceful intifadah movement was proof to the contrary.

2. The Soviet Union endorsed the calls on Israel to comply with international instruments, in particular the fourth Geneva Convention of 1949. It was of the opinion that human rights violations in the occupied territories could be brought to an end only by removing the underlying cause - denial of the Palestinians' inalienable rights - and that would require more active diplomacy based on new political thinking. The Soviet Union had made known its ideas relating to a comprehensive settlement, in a statement made by its Minister for Foreign Affairs, Mr. Shevardnadze, in Cairo in February 1989. In accordance with those ideas, the settlement of the question of the occupied territories was contingent on disarmament and co-operation in conformity with General Assembly resolution 44/48 of 8 December 1989 and other relevant resolutions.

3. In 1988, the Palestine National Council had put forward a realistic policy under which Israel's right to existence was recognized and negotiations with that State were requested on the basis of Security Council resolutions 242 (1967) and 338 (1973). That policy had subsequently been approved by the Arab Summit in Casablanca. Unfortunately, despite the PLO's good will, Israel continued to refuse to recognize that organization as a negotiating partner. The Israeli Government apparently still clung to outdated ideas and was insensitive to present-day needs. It was to be hoped, however, that it would come to listen to the voice of reason. Many in the Labour Party already seemed to have grasped that the old approaches no longer worked. The Israeli Government's proposal for elections in the territories was intrinsically democratic, but the conditions would have to be verified and it would have to be seen how the proposal fit into the peace process.

4. The Israeli Government was behaving in a way that indicated a continuing intention to maintain its occupation of the Arab territories and to settle immigrants there in order to change the population structure. In that context, although the Soviet Union was making every effort to bring its laws into line with international instruments and, in particular, recognized the

individual's right to leave Soviet territory, it had no wish for its emigrants to become the tools of propaganda and plans condemned by international opinion because they were taking the place of Palestinians in the occupied territories.

5. The Soviet Union was in favour of an international peace conference on the Middle East with the participation of all parties concerned. Such a conference should enable a balance to be struck between the interests of all parties, including the PLO, the sole representative of the Palestinian people. Very careful advance preparation would be needed in which the United Nations and, in particular, the Commission on Human Rights would play a very important part. In the immediate present, the Commission should adopt a resolution at its current session on practical ways of bringing about change in order to find a common denominator. The Soviet Union would, for its part, assist as far as was in its power in seeking a settlement in the occupied territories and in preparing a peace conference on the Middle East.

6. Mr. BENHIMA (Morocco) said that since the previous session there had been upheavals throughout the world that had had a radical impact on the human rights situation. The world genuinely seemed to be on the threshold of a new era and to be more open to dialogue. It was to be hoped that those changes would benefit the Palestinian people and also the South Africans, who had been the victims of apartheid for decades.

7. Unfortunately, matters did not seem to be taking that course in the occupied territories, where the Israeli authorities hoped to crush the intifadah, an uprising by an entire people ready for every sacrifice. In 1989, the United Nations Day of Solidarity with the Palestinian people had been celebrated on the second anniversary of the intifadah. In that context, all United Nations bodies and, in particular, the Commission on Human Rights had to redouble their efforts to get Israel to respond at last to international resolutions, including resolutions 1989/1 and 2 adopted by the Commission at its previous session.

8. The reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/44/352 and A/44/599), as well as other documents of the United Nations and humanitarian bodies such as the International Committee of the Red Cross, confirmed the deterioration in the human rights situation in the occupied territories. Israel, through its military forces and its armed settlers, had been conducting a policy that violated both individual and collective human rights. People had been shot at or exposed to poisonous gases; as a result of those often lethal methods, there were also large numbers of handicapped and disabled persons throughout the country. Instances of individual and collective punishment were increasing and had been compounded by the ill-treatment of detainees. Other speakers had already given details of such horrific practices, which Israel was also applying in southern Lebanon. By its actions, the Israeli Government was thus violating the United Nations Charter, the relevant General Assembly resolutions and the fourth Geneva Convention. Not even a peaceful march organized recently in Jerusalem had been spared by the forces of repression.

9. In view of such acts, Morocco fully supported the Palestinian people. The solidarity of the King of Morocco and the Moroccan Government and people had, for example, repeatedly been expressed at Arab summits, in particular those in Fez and Casablanca. In addition, the Declaration on the Arab Maghreb

Union had called on the international community to bring an end to Israeli repression in the occupied territories. The Commission should intensify its efforts to prevail on Israel to respect its resolutions.

10. Mr. JAZIC (Yugoslavia), referring to agenda item 4, said that the relaxation of international tensions would undoubtedly be reflected in the work of the present session of the Commission. The new spirit that was abroad was favourable to finding realistic and pragmatic solutions to long-standing and acute problems. It was regrettable that those positive trends had not as yet been reflected in the Middle East, where there were no signs of progress towards a solution of the Arab-Israeli conflict, at the core of which remained the problem of Palestine.

11. Although there had been some positive developments, such as the decisions adopted by the Palestine National Council in 1989 and the opening of dialogue between the United States of America and Palestine, the General Assembly at its last session had pointed out that the continuing gravity of the situation was a consequence of the aggressive and expansionist policy of Israel and the violation by that country of the territorial integrity and sovereignty of the countries of the region and of the fundamental rights of peoples.

12. In that connection the reports submitted to the General Assembly and to the Commission by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/44/352 and 599) were of the greatest value for an objective assessment of the situation. He noted that the Committee had changed its name slightly in accordance with General Assembly resolution 44/48. The most substantial part of the report appearing in document A/44/599 was devoted to information and evidence received by the Special Committee regarding the incidents linked with the uprising of the Palestinian population against the Israeli occupation. It contained detailed accounts of acts of aggression by Israeli settlers against Arab citizens and of brutal treatment of detainees, some of them minors, in Israeli prisons. Israel's policy of settlement in the occupied territories was described. His delegation endorsed the conclusions contained in document A/44/599 and agreed with the Committee that the information examined revealed a deterioration in the level of enjoyment of the basic human rights of the civilian population.

13. One of the most urgent measures to be taken to ensure protection of such rights was the full implementation by Israel of the relevant provisions of the fourth Geneva Convention. However, basic rights and freedoms in the occupied territories could be durably ensured only through a comprehensive settlement of the Arab-Israeli conflict. That required the withdrawal of Israel from all the Arab and Palestinian territories occupied since 1967, the realization of the inalienable right of the Palestinian people, under the leadership of the PLO, to self-determination and to a State of its own, as well as respect for the right of all countries and peoples of the region, including Israel, to live in peace and security within internationally recognized borders.

14. Yugoslavia, together with the vast majority of non-aligned countries, including the members of the Committee of Nine, had stated at the Summit Conference in Belgrade in September 1989 that it was in favour of the convening of an international conference under the auspices of the United Nations on the basis of Security Council resolutions 242 (1967) and 338 (1973), with the participation of all the directly interested parties,

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including the PLO. It fully supported the efforts being made by the Secretary-General of the United Nations to that end. In its capacity as Chairman of the Movement of Non-Aligned Countries, it would continue to contribute actively to the speedy attainment of that goal.

15. Miss ATTAH (Nigeria) said that, at its forty-fifth session, the Commission had hoped that the profound changes taking place on the international political scene would lead to an inevitable improvement in the human rights situation of the inhabitants of the occupied Arab territories, including Palestine. The basis for that hope had been created by the special session which had been held in Geneva on 15 December 1988 and at which the General Assembly had renewed its call on Israel to withdraw from the Arab territories occupied since 1967, including Jerusalem. Furthermore, it had decided that the designation "Palestine" should be used in place of "Palestine Liberation Organization" in the United Nations system without prejudice to the observer status and functions of the PLO in conformity with the relevant United Nations resolutions and practice. In addition, some western countries had decided to open a dialogue with Palestine; many delegations, including her own, had hailed that decision as constructive and complementary to the PLO's recognition of Israel.

16. Unfortunately, despite those auspicious developments, there had been no progress. What was worse, the situation in the territories had seriously deteriorated. Her delegation considered that rare opportunities were being wasted and felt great anxiety about the future, in view of Israel's continuing rigidity and opposition to any negotiation with the PLO. That was the major obstacle to a just and comprehensive settlement in the Middle East that would allow for the peaceful co-existence of all States in the region.

17. It was therefore no surprise that the intifadah had intensified during the past year and continued to wax stronger despite the Draconian measures taken by the Israeli authorities to suppress it. However, the message of the intifadah, now in its third year, was clear and unequivocal, namely, that the Israeli occupation would continue to be rejected and that the Palestinian people would remain committed to the exercise of its political rights, including the right to self-determination. The Israeli authorities had made increasing use of iron-fist methods, resulting in the deaths of hundreds of Palestinians and many wounded in the occupied territories. The continuing deportation of Palestinians by Israel had compelled the Security Council to adopt resolutions in 1989 calling on Israel to ensure the safe and immediate return of the deportees to their land. Nigeria was also concerned that Israel's efforts to modify the demographic structure of the occupied territories by creating Israeli settlements had continued unabated and been extended to Lebanon. Such a policy was at variance with the efforts being made to find a peaceful solution to the problem.

18. In its continued opposition to any negotiation with the PLO, Israel was persisting in a position that was not only indefensible, but defied rational thinking, whereas the basis for a settlement had existed for years. The United Nations General Assembly, in its resolution 181 (II) of 1947, had provided for the establishment of an Arab State and a Jewish State in Palestine, as well as for a special international régime for Jerusalem. Her delegation therefore took the opportunity to urge Israel to support the call for an international conference of all parties involved in the conflict to negotiate a comprehensive and durable solution.

19. Israeli's violations of human rights would, of course, not end as long as the territories were under occupation. Only a comprehensive, just and durable settlement could end them. There was general agreement within the international community that such a settlement should be based on the following three considerations: withdrawal of Israeli forces from the Arab territories occupied since 1967; acknowledgement of and respect for the sovereignty, territorial integrity and political independence of all the States in the region and their right to live in peace within secure and recognized boundaries; and a satisfactory solution of the Palestinian problem based on recognition of the legitimate rights of the Palestinian people, including self-determination. That was also the stance of her delegation which believed that the participation of all parties to the dispute was imperative for any settlement. It therefore continued to be concerned by Israel's determination to exclude the PLO, a key element in the dispute, from participating in any peace talks. Israel could not hold credible talks with the Palestinians without PLO participation. The international community therefore ought to prevail on Israel to initiate dialogue with all parties to the dispute.

20. The right to self-determination was a fundamental and inalienable right enshrined not only in the United Nations Charter, but also in the two International Covenants on Human Rights. However, it was still being denied and violated in various parts of the world, some of the most serious cases occurring in South Africa, the occupied Arab territories and Kampuchea and involving the use of mercenaries.

21. In present-day South Africa, apartheid remained the root cause of conflict, crisis and instability in that society. The black majority was denied the right to self-determination. Only the establishment of universal franchise in a multiracial democratic system would bring peace, security and stability to the country. The Namibian people was at present experiencing changes that all hoped would lead to the full realization of the right to self-determination that had been denied it for decades.

22. A solution to the Kampuchean problem clearly required the exercise of the right of self-determination by the people of Kampuchea. Nigeria regretted the unsuccessful outcome of the international conference on Kampuchea held in Paris in 1989, but continued to hope that the international community would increase its efforts to achieve a comprehensive and negotiated solution to the problem. In that regard, Nigeria commended the initiative of the ASEAN countries and the efforts of the Australian Government and took note of the special session of the Security Council recently held in Paris. If all parties to the dispute could show flexibility, Nigeria was confident that a durable solution was well within reach.

23. Mr. ROA KOURI (Cuba) said that, for many years, despite the existence of numerous resolutions condemning the Israeli régime for the discrimination and exclusion it practised in the region, Israel continued to violate the fundamental rights of the Palestinian and other Arab peoples. As the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/44/352) had found, the situation of the civilian population of the occupied territories continued to deteriorate. Although the Israeli régime had withheld its co-operation, the Special Committee had conducted a thorough inquiry and shown objectively that the

situation in the occupied Arab territories was marked by severe and continuing violence and repression that had steadily increased since the start of the intifadah in December 1987.

24. Israel was continuing its policy of annexation and weakening of the Arab presence in the territories by measures including establishing settlements, expropriating property and moving in Israeli citizens; it sought to force Palestinians to leave their homeland and their property in flagrant violation of its obligations as a State party to the fourth Geneva Convention of 1949 relative to the Protection of Civilian Persons in Time of War (1949) and under international law. The response of the Zionist régime to the legitimate protests of the Palestinians against the occupation had become increasingly harsh; it routinely put down any popular demonstration and since January 1989 had authorized the use of plastic bullets by Israeli soldiers. The brutality of the occupying forces had resulted in much loss of life among persons whose only "crime" had been to defend their homeland.

25. Such a state of affairs could not but have a deleterious influence on young children, who were particularly susceptible to the harmful psychological effects of violence. According to available information, 20 per cent of the deaths recorded from the start of the uprising to mid-June 1989 had been of children under 16 years of age, who in most cases had died as a result of bullet wounds, beatings and burns. Over 70 persons, including 30 new-born infants, had died from injuries caused by tear gas.

26. Israel's policy of harassment had included collective reprisals; since the start of the intifadah, 672 homes had been pulled down in the occupied Arab territories. On 11 May 1989, the Israeli Supreme Court had recognized the "right" of the Israeli defence forces to pull down dwellings in retaliation for action by Palestinians, which had merely been undertaken in self-defence. Israel also continued to impose prolonged curfews, which had had harsh economic repercussions on the civilian population. According to the Israeli Minister of Defence, Mr. Rabin, that measure was intended to show Palestinians that they could not consider a job in Israel as an acquired right. Other economic sanctions were crushing taxation, the pulling up of trees and a ban on exports, as well as cutting off water and electricity supplies and telephone lines, all of which had further aggravated an already difficult economic and social situation in the occupied Arab territories.

27. In 1989, there had been a considerable increase in the number of persons expelled from the occupied Arab territories, despite the protests of the international community and in contravention of Security Council resolutions as a result of Israel's deportation of Palestinians without a valid "residence permit". The administration of justice was also an area in which human rights and fundamental freedoms had lost ground, with the introduction of summary judicial procedures. Detainees were also subjected to repressive measures; their situation had further deteriorated in the wake of the arrest of tens of thousands of Palestinians since the start of the uprising, the growing use made of army detention centres, the conversion of public buildings and schools into provisional detention centres and detention in penal establishments located in Israel. Further examples were the restrictions imposed on the civilian population, both individually and collectively, in areas such as freedom of movement, issue of identity cards by the military authorities, banning of newspapers, shutting down of news agencies, censorship and prolonged closure of educational establishments.

28. Another cause for concern was the situation in the occupied part of Syria on the Golan Heights, where Israel continued its aggressive policy to absorb the territory within its own borders. Israel had, overtly and clandestinely, been forcing the Judaization of that zone; Israeli administration and legislation sought to cut the Syrian population of Golan off from the rest of the country. It was deplorable to see the United States of America, which set itself up as the champion of human rights, lend its strategic support to Israel and its expansionist policy in the occupied Arab territories.

29. The Commission on Human Rights should call for Israel's immediate and unconditional withdrawal from the occupied Arab territories, for that would bring the sufferings of the Arab population to an end and cease the violations of which it had been the victim since 1967. It should help to pave the way for the exercise by the Palestinian people of its national rights, including the right to self-determination, a return to its homeland and the establishment of its own independent State. Cuba, for its part, condemned Israeli practices in the occupied Arab territories, recommended the convening of an international peace conference on the Middle East, under the auspices of the United Nations and with the participation on an equal footing of all parties concerned, in particular the State of Palestine and Israel, in order to ensure genuine and lasting peace in the region.

30. Mr. JAEGER (Federal Republic of Germany) said that, in the Commission's discussions of agenda item 9, his delegation had repeatedly emphasized that the realization of the right to self-determination did not simply entail freeing nations from colonialism and tyranny; it meant that peoples should have the right to play an active part in shaping the affairs of their community in conditions of freedom and equality. In that connection, there was no denying the fact that the right to self-determination, as laid down in article 1 of the two International Covenants on Human Rights, had not yet been realized in all parts of Europe. Since the forty-fifth session of the Commission, changes had taken place which no one would have believed possible a year previously. The events of 1989 had demonstrated that the desire for freedom and the right to self-determination was greater than traditional structures, however strong and durable they might appear.

31. Thus, the peoples of Hungary, Poland, Czechoslovakia and Romania, as well as the Germans in the German Democratic Republic, had clearly expressed their wish to determine their own future. The Federal Republic of Germany hoped that the present reforms, which were among the most significant events that had occurred since the end of the Second World War, would lead to success by peaceful, democratic means. The changes held out the hope that the division of Europe and Germany could be overcome. They had confirmed his Government in its continuing insistence on a lasting peaceful order in Europe in which human rights and human dignity would be respected and the German nation would recover its unity through free self-determination. Whatever decision the Germans in the German Democratic Republic took with regard to their domestic order and German unity in freedom, the Federal Republic of Germany would respect their free decision.

32. If humanity and tolerance were to be guaranteed in the long term, both the coexistence of States and the reshaping of government structures would have to be based on a political culture whose foremost principle was the observation of the inalienable dignity of each individual. All forms of tyranny, oppression and intolerance, as well as the denial of the right to

self-determination, invariably constituted a violation of human dignity and human rights. Respect for the right to self-determination and the ability to live in peace both at home and abroad were conditional on one another, being two sides of the same coin. At a time when most nations of the world had virtually or nearly attained freedom from external threat, structures based on lack of freedom could not endure. The peoples of central and eastern Europe were a clear example of that.

33. In other parts of the world, such as southern Africa, the right to self-determination was also gaining ground; Namibia was on the way to independence and, in the course of free and fair elections, it had elected a Constituent Assembly forming the basis of a community governed by the people. The United Nations had played a decisive part in that development and both super-Powers had co-operated in safeguarding the right to self-determination of the Namibian people. That co-operation also represented a promising sign for Afghanistan and Cambodia. The Palestinian people, too, should be given the right to determine its own future, which should be achieved within the framework of a peaceful settlement for the Middle East that granted all States in the region, including Israel, the right to live within secure boundaries.

34. Mr. MEZZALAMA (Italy) said that the tragic events frequently occurring in the occupied Arab territories continued to cause great concern to the international community. Repressive measures, far from slackening, seemed to be on the increase and becoming more rigorous; incontrovertible statistics and eye-witness accounts gave evidence of a growing number of deaths, injuries, imprisonments and deportations. Such grave events had been accompanied by innumerable restrictions and harassment placing inadmissible constraints on individual freedom.

35. Urgent calls for peace and understanding had received no answer. Although his Government, in passing judgement on these deplorable events, was mindful of the historical and human factors that had weighed and would continue to weigh on the conscience of mankind, it did not consider it appropriate to view the harshness of current measures of repression in the territories through the lens of a past history of violence and persecution and use it to justify such repression. A lasting solution to the Palestinian problem would not be found through force. Rejection of a solution based on reconciliation and peace would further widen the gap between Israel and the Palestinians and, an even great liability for the rising generations, strengthen the barrier of hatred and misunderstanding which had become even more of an inadmissible anachronism now that another, long-hated wall had just been torn down.

36. Human rights in the occupied Arab territories and the right of the Palestinian people to self-determination were two sides of the same coin. The intifadah appeared increasingly as a popular movement and the expression of a national conscience that was entitled to as much legal recognition as the right of the State of Israel to a secure existence based on equally secure guarantees. The Palestinians' aspirations continued to be treated with contempt; recourse to violence to prevent their realization was a flagrant violation of fundamental freedoms. In that respect, the most recent report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories painted a gloomy picture of the situation.

37. In view of the complexity of the problems assailing an area of the Mediterrean close to Italy, and with which Italy had many links, the Italian Government had never failed to take action not only on the diplomatic front to encourage the search for just and satisfactory solutions, but also on the humanitarian front to alleviate the sufferings of those most at risk. In that context, Italy had joined in the initiatives taken within the framework of the United Nations and, together with its partners in the European Community, had called on the Israeli authorities to comply with United Nations recommendations. In particular, Italy deplored the establishment of Israeli settlements in the occupied Arab territories, condemned all forms of violence and all violations of human rights and called on Israel to observe the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, which had been regularly infringed in the occupied Arab territories. In the humanitarian field, Italy had confirmed its allocation to UNWRA of a large contribution to alleviate the sufferings of the Palestinian people.

38. As pointed out by the Italian Minister for Foreign Affairs at the last session of the General Assembly, either party in the Arab-Israeli conflict might be tempted to solve the problem without reference to the rights and reasons of the other, with the result that any hope of peace might well be deferred for years or for generations. Dialogue was the only means of overcoming differences. In a long and difficult peace process, moderation and a sense of responsibility obviously had a major role to play. Co-operation and joint efforts were needed to put a stop to a sequence of events that nurtured Israeli feelings of insecurity and fostered Palestinian despair.

39. Mr. PATEL (Pakistan) said that 1989 would be remembered as a year in which swift winds of change had transformed the world, although the same could unfortunately not be said of the Middle East, where hopes of a solution had not come true and where all positive political initiatives taken by the PLO and its Chairman, Yasser Arafat, had been contemptuously spurned by Israel.

40. In its latest report, the Special Committee set up by the General Assembly to investigate Israeli practices affecting the human rights of the population of the occupied territories had stated that those territories, the West Bank and the Gaza Strip had been marked by a dangerous level of violence and repression which had constantly escalated since the start of the uprising of the Palestinian population against the occupation in December 1987. The increasingly severe reaction of the Israeli authorities had clearly failed to calm the situation; on the contrary, it had led to more violence and suffering and resulted in great losses among the civilian population. Over a thousand Palestinians had been killed as a result of the action taken by the Israeli defence forces, border policemen, paratroopers and settlers. The Special Committee's report contained horrifying details of the growing deterioration in the situation in the occupied territories, where thousands of Palestinians had been wounded, maimed or detained since the beginning of the intifadah. In addition to innumerable cases of ill-treatment, the Israeli authorities had imposed various forms of collective punishment: economic coercion, prolonged curfews, destruction of housing, closure of educational institutions, destruction of crops and trees, and deportations.

41. The report of the Special Committee also noted that over 50,000 Palestinians, including women and children, had been detained and freedom of worship affected by arbitrary measures such as setting fire to a mosque under construction and the burning of holy books. Acts of violence and aggression by Israeli settlers had also increased during the period under review. The virtual war against the defenceless Palestinian people under alien occupation was one of the most tragic chapters in the history of the present century, at a time when the Palestinians continued to be denied the exercise of their inalienable right to self-determination.

42. The international community could not help being struck by the sharp contrast between Palestinian moderation, including the peace initiative launched by Chairman Arafat in 1989, and Israeli intransigence in continuing to deny the Palestinian people its national rights and persisting in the mistaken belief that it could assure its security and establish its hegemony by resorting to violence and terror in the Middle East. By thwarting successive peace initiatives, Israel had proved its expansionist policies and belied its own pretensions to peace. It had also Judaized the holy city of Jerusalem, desecrated the Al-Aqsa Mosque and built Jewish settlements on Arab lands.

43. The international community had deplored such practices in many resolutions of the Security Council, the General Assembly, the Commission on Human Rights and a large number of other international bodies. In its latest resolution adopted in November 1989 with the support of 140 member countries, the General Assembly had condemned Israel's persistent violation of human rights in the occupied territories and called upon Israel to abide scrupulously by the Geneva Convention of August 1949 relative to the Protection of Civilian Persons in Time of War.

44. The struggle that the Palestinian people had been waging for the past 40 years demonstrated that a people committed to freedom and independence could not be subjugated for long. Failure to recognize that fact could only aggravate instability and insecurity in the region and increase the suffering and hardship of the peoples of the region without extinguishing the flame of freedom.

45. It was time for United Nations machinery to be used effectively to end the conflict in the Middle East. Pakistan agreed with the Secretary-General's statement in his report of 8 September 1989 that, despite repeated calls on Israel to abide by its obligations under the Geneva Convention, widespread violations of human rights persisted in the region.

46. Pakistan was committed to supporting the just struggle of the Palestinian people and looked forward to the day when Palestine could assume its rightful place in the comity of nations. As the Prime Minister of Pakistan had said, the people of Pakistan would continue to march shoulder to shoulder with its Palestinian brethren. He therefore took the present opportunity to reiterate Pakistan's unflinching support for the Palestinian people's just cause and its struggle for independence.

47. Miss BOZHKOVA (Bulgaria) said that, since the Commission's forty-fifth session, many events had occurred that held out hope for a better, more secure and humane world; unfortunately, the gloomy situation of human rights in the occupied Arab territories had remained unaffected. The

occupation of those territories had continued for more than 20 years and, as a result, the situation relating to the inalienable right of the Palestinian people to self-determination and human rights in general had continued to deteriorate.

48. Bulgaria had noted with concern, in the most recent report of the Special Committee, that the situation in the occupied territories had been marked by a dangerous level of violence and repression, which had constantly escalated since the start of the uprising of the Palestinian population against occupation in December 1987 (para. 329 of document A/44/599). It was especially disturbing that, according to the information contained in that report, the occupying power had continued to pursue its policy of annexation by measures such as establishing settlements, expropriating property, transferring Israeli citizens to the occupied territories and encouraging or compelling, by various means, Palestinians to leave their homeland (para. 330 of the report). Such an attitude was contrary to the obligations of a State party to the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. Furthermore, the violence and the suffering of the Palestinian people living in the occupied territories had increased and resulted in great losses among the civilian population (para. 332 of the report).

49. Bulgaria therefore supported the general conclusion of the Special Committee that urgent measures must be taken in order to ensure the effective protection of the basic rights and freedoms of civilians in the occupied territories through the negotiation of a comprehensive, just and lasting settlement of the Arab-Israeli conflict acceptable to all concerned (para. 341 of the report). Every effort should be made to find a peaceful solution to the problem of the Middle East, taking into account the interests of all parties concerned and the exercise by the Palestinian people of its inalienable right to self-determination and national independence. Bulgaria was ready to support any constructive initiative to that end and, in particular, the convening of an international conference on the Middle East with the participation of all parties concerned, including Palestine and the permanent members of the Security Council.

50. Mr. COSTA LOBO (Portugal) said that since the Commission's previous session, several developments of far-reaching consequence had taken place in different parts of the world, contributing to the solution of problems in international relations and in the internal situation of certain States. However, he deplored the fact that, despite meetings, proposals and diplomatic initiatives on the Middle East, the situation in the occupied territories had not improved. Of course, the political problems prevailing in the region made the full enjoyment of human rights more difficult, but they did not in any way justify the violation of those rights in the occupied territories. It was precisely during periods of crisis and in situations of tension that the protection of human rights was most needed and unrest or even war did not exempt States from their obligations in that regard. As to the international legislation applicable to human rights, he reiterated that the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War was particularly relevant to the occupied territories. The international community should continue to insist on the full application of its provisions by the Israeli authorities, as had been stated by the Council of Europe in its Declaration in Madrid in June 1989. On that occasion, the Council of Europe

had made a pressing appeal to the Israeli authorities to apply United Nations Security Council resolutions 605 (1988), 607 (1988) and 608 (1988) and to respect the fourth Geneva Convention, among other things, by re-opening schools on the West Bank.

51. The denial of self-determination in the occupied territories, which was in itself a violation of human rights, was also a root cause of the violation of many other fundamental rights. Some of the measures applied by the Israeli authorities were likely to have long-term effects on the possibility of the comprehensive application of the principle of self-determination. He was thinking in particular of deportation measures and the establishment of new settlements, which created distortions that it would be difficult to correct. That made it even more urgent that such practices should be discontinued immediately.

52. There was no need to refer in detail to the different types of human rights violation because they had been presented in a systematic way in the report of the Special Committee. However, the most deplorable measures were those that directly affected children and certain forms of collective punishment, where it was difficult even to establish a link between the victims of those measures and the action against which repression was supposed to be exercised. Experience had shown that resort to tougher measures in the occupied territories had led only to a stronger reaction on the part of the population. The defeat of that policy was a clear demonstration that morals, law, pragmatism and good sense all pointed in the same direction - that of respect for human rights.

53. In the light of the new dynamism that seemed to characterize international life, it was to be hoped that the interdependence of international problems might operate in a positive way and help to bring about an improvement in situations waiting for a solution. There would be no excuse for the parties directly concerned not to intensify efforts in order to benefit from the more favourable international climate to achieve the maximum possible progress in relation to the problem of the Middle East. The final solution to that problem would have to be based on the right to self-determination of the Palestinian people and on the right of all States in the region, including Israel, to exist within secure and recognized borders. The fact that no such solution had been reached did not, however, justify any delay in guaranteeing full respect for the human rights of the persons and peoples concerned in the occupied territories.

54. Mr. SALMAN KAMAL (Observer for Bahrain) said that the situation in Palestine, where one Member of the United Nations was occupying the lands of another, denying its rights, ignoring United Nations resolutions, defying the Organization's authority and world opinion, was a paradox in world terms. Israel had resorted to practices such as terrorism, the destruction of dwellings, the imprisonment of children and young people and the killing of women and, at the same time, had denied international organizations such as the Red Cross and the Red Crescent the right to visit the camps set up by the occupying authorities. Unimaginable physical and mental torture was suffered by the Palestinians in such camps, which were a violation of all international standards. Some days previously, doctors representing neutral observers had found evidence of torture on the bodies of three young Palestinians thrown out of a camp.

55. Israel had been founded on a lie. Had not the Zionist theorist Herzl claimed Palestine as an unpopulated land open to settlement by the Jewish people? It was therefore not surprising that Mr. Shamir was handing out Palestinian land to all comers and endeavouring to destroy the Palestinian people, whose rights had nevertheless been recognized by United Nations resolutions and by the international community.

56. In the course of two years, the Israelis had massacred over 1,000 Palestinians, including 200 women and 400 children, as well as about 100 elderly persons, and had destroyed 300 dwellings. They had 54,000 prisoners in their camps, but the fact of the matter was that 1.5 million Palestinians were living in captivity in Jerusalem, on the West Bank and in the Gaza Strip.

57. Another Israeli lie was its claim to be applying laws enacted during the British mandate. That served merely as a pretext for terrorism, since those laws had been repealed before the British had left in 1947; in any event, it could be asked why the Israeli authorities had not arrested the terrorists wanted for the attack on the King David Hotel. The Israeli authorities continued to claim that the fourth Geneva Convention did not apply to the occupied territories, without explaining why. They applied international law in a selective manner, obstructing the work of UNWRA and the United Nations; any effort they claimed to be making to develop the occupied territories was nothing but a further disgrace to all of mankind.

58. Israel's behaviour showed the emptiness of the system it represented; the decline of its moral values demonstrated that it was unable to learn from history. The confiscation of property, destruction of housing and murder of innocent persons could not be regarded as a sign of civilization. The breaking up of the peace march in December 1989 had shown the true nature of the Israeli régime, which violated every human right. It rejected all moves towards peace and tried to destroy any form of civilized life in the occupied territories. Mr. Sharon had said that peace was not in Israeli's interests; the massacres at Sabra and Shatila had revealed Israel's true goals.

59. The world should remove that disgrace to mankind and put an end to the continuing violations of human rights committed by the Israeli authorities. The international community should make every effort to eliminate the violent hatred of mankind that zionism represented. How could the principles underlying human rights and the events that had taken place in the occupied territories in 1989 be reconciled? Was not the valiant intifadah the civilized face of the struggle against injustice, destruction and usurpation of land?

60. The Commission had to take new and positive steps to free the Palestinian people from the racist Israeli occupation lest the future become darker still.

61. Mr. FRAMBACH (Observer for the German Democratic Republic) said that a process of renewal was unfolding in all spheres of society in the German Democratic Republic. There was a search for reasonable compromise formulas that would guarantee social and political rights, ensure the full enjoyment of human rights and provide a solid basis for the development of democracy.

62. Forty years of war, tensions and bloodshed had brought the people of Israel, the people of Palestine and world opinion to an awareness that the

only way to achieve a just and lasting peace in the Middle East was to recognize the principle of two States, a Jewish State and an Arab State, as proclaimed in the historic resolution 181 (II) adopted by the United Nations in 1947. It was time to create conditions for positive developments in the Middle East conflict, as had been done in Namibia. A direct dialogue between Israelis and Palestinians could be the first step in that direction. Demanding statehood was a fundamental human right of the Palestinian people.

63. As the Commission had stated in its resolution 1989/2 A, the Israeli occupation of Palestine constituted a gross violation of human rights. At a time when peace, freedom, progress and social development could be secured only through a common effort, the granting and implementation of all fundamental human rights were becoming increasingly important. Efforts had been made to normalize the situation in south-western Africa, in Central America and in South-East Asia. However, positive developments in international relations could progress only if no region and no question were left out of the process. The encouraging strides in international relations had directed the attention of States and world public opinion to problems and regions where progress had by and large remained elusive and, in particular, to the conflict in the Middle East and the question of Palestine.

64. Generations of Palestinians had suffered from aggression, terror and displacement as a result of Israeli's unremitting efforts to change the legal status, geographical structure and demographic composition of the occupied territories, at the same time denying the Palestinian people the right to self-determination as enshrined in the United Nations Charter.

65. In its report (A/44/599), the Special Committee gave many examples of the massive violations of human rights suffered by the Palestinian population in the occupied territories and, in particular, of the acts of violence against those taking part in the intifadah (paras. 38 and 39). That uprising attested to the firm resolve of the Palestinian people to take its destiny into its own hands despite repression and the systematic use of violence by Israeli occupying troops. There had also been massive and systematic violations by Israel of human rights in the Golan Heights and southern Lebanon. It should be borne in mind that the United Nations General Assembly had on a number of occasions reaffirmed that the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War should be applied throughout the territories occupied by Israel. Moreover, in its resolutions 607 (1988), 608 (1988), 636 (1989) and 641 (1989), the Security Council had expressed its concern about the situation and denounced the deportation of Palestinians. In its resolution 44/2, adopted by an overwhelming majority of United Nations Member States, the General Assembly had also resolutely condemned the policies and practices of the occupying power.

66. It was encouraging to see that the situation that had been deadlocked for so many years was beginning to change, particularly as a result of the efforts made by the PLO to implement the decisions of the nineteenth session of the Palestinean National Council in Algiers. The German Democratic Republic was convinced that the Palestinian peace initiative launched in Geneva would pave the way for a just and lasting solution of the Middle East conflict. Even in Israel, support was growing for a peaceful settlement of the conflict. In the long run, no one could remain opposed to an international peace conference convened under United Nations auspices with the participation on an equal footing of all parties to the Arab-Israeli conflict, including the PLO and

the five permanent members of the Security Council, on the basis of Security Council resolutions 242 (1967) and 338 (1973). Even during the preparatory and transitional phases, the complexity of the problem would require persistence and flexibility from the two major parties to the conflict in the search for mutually acceptably solutions, which should include recognition of the Palestinian people's right to self-determination, as well as the right of existence of the State of Israel and its citizens.

67. Mr. DUNA (Observer for Turkey) said that the Middle East conflict continued to be a source of concern for Turkey because of its geographical location and its historical ties to the region. The violent and tragic incidents taking place in the area underscored the gravity of the situation and the urgent need to find a solution to a complex and difficult problem. The Palestinian uprising, which had entered its third year, proved that the Palestinian people rejected the occupation and remained committed to the exercise of its legitimate rights, including self-determination. It was therefore very unfortunate that Israel had so far failed to understand the message of the intifadah and continued with harsh repressive measures that could only aggravate the situation.

68. Under the leadership of the PLO, the Palestinians had, for their part, continued to pursue a constructive policy, which was gaining increasing recognition in the international community, as evidenced by the number of countries that had officially recognized the newly established State of Palestine. Turkey had been one of the first countries to do so, in pursuance of its policy on the issue. In its view, the solution of the Palestinian problem depended on the withdrawal of Israel from the Arab territories it had occupied since 1967, the recognition of the legitimate rights of the Palestinians, including the right to establish their own State, and the acknowledgment of the rights of all sides in the region, including Israel, to live within secure and recognized borders. Israel should reciprocate the moves of the PLO, which had accepted Security Council resolutions 242 (1967) and 338 (1973) and rejected terrorism, by adopting more conciliatory policies contributing to the initiation of a peace process. There had already been several initiatives along those lines, such as those by Egypt and the United States, but new efforts were being concentrated on initiating a dialogue between Israel and the Palestinians. His Government sincerely hoped that, despite the reservations expressed by the parties and the obstacles confronted in that regard, the peace efforts would continue.

69. There was no doubt that the current stalemate was contrary to the interests of all the parties concerned and could have dangerous implications. It also hampered economic development, social stability and the promotion of human rights. It was therefore imperative that the parties to the Arab-Israeli conflict, the core of which was the question of Palestine, should enter into a genuine negotiating process that would end the suffering of the Palestinians and establish peace in the region.

70. Miss CHAALAN (Observer for the Syrian Arab Republic) said that the right to self-determination and the exercise of that right were fundamental principles of modern-day international law and essential conditions for the exercise of all other rights - civil, political, economic, social and cultural - as well as for the maintenance of international peace and security.

71. However, millions of persons throughout the world were still being denied that right, in particular in Palestine, a land that Israel had appropriated in 1948, and in the other Arab territories on the West Bank and in the Gaza Strip, which it had annexed in 1967 and 1973. In pursuance of its policy of expansionist aggression, Israel had then seized the Syrian Arab Golan and, in 1978 and 1982, had occupied part of southern Lebanon, in contempt of Security Council resolutions condemning that policy, which was part of a racist plan for a greater Israel whose borders would stretch from the Tigris to the Euphrates. Israel had systematically applied its laws and extended its jurisdiction to all those territories, applying a policy of progressive Judaization. In the process, it had expropriated Arab land, expelling the inhabitants and installing Zionist settlements in violation of the Palestinians' right to self-determination and to the establishment of an independent State in their own territory, as well as denying not only the Palestinians, but also all Arab peoples in other territories, their fundamental rights and freedoms, above all their right to life.

72. Since the start of the heroic uprising, the intifadah, which had just entered its third year, an explosive situation had developed in the occupied territories, as made clear in the two reports (A/44/352 and A/44/599) of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories. The Special Committee had drawn attention to the growing number of acts of violence committed by Zionist settlers against the Palestinian population, in addition to the many other habitual acts of repression such as deportation, destruction of dwellings, desecration of holy places, closure of educational establishments and collective punishment. By such behaviour, Israel was acting in flagrant violation of the United Nations Charter, United Nations resolutions and the principles of international law and was committing a crime against humanity. Continuing to occupy and annex territories and Judaize them was not only a violation of the sacroscant right of peoples to self-determination, but also a threat to world peace and security and an obstacle to any process for the restoration of peace in the region. Her delegation continued to hold the view that an international peace conference on the Middle East convened under the auspices of the United Nations, with the participation of all the parties concerned, including the PLO and the five permanent members of the Security Council, would be the most appropriate framework for arriving at a comprehensive, just and lasting settlement of the conflict, based on the re-establishment of the inalienable rights of the Palestinians, including their right to self-determination and to establish an independent State in their own land.

73. In southern Africa, too, Namibia had for many years been under the domination of South Africa. Syria had supported Security Council resolution 435 (1978) and hoped that the plan it embodied would be implemented in full in order to allow the Namibian people to accede to independence and exercise its sovereignty throughout its territory under the leadership of SWAPO. It was also essential to intensify international efforts to isolate the Pretoria régime in order to abolish apartheid and help the black majority in South Africa realize its aspirations in freedom and equality.

74. The Syrian Arab Republic was also very concerned by the increasing threat posed by the activities of mercenaries recruited to crush liberation movements in developing countries and destabilize the Governments of those countries, particularly in Africa and Central America. Such activities ran counter to

the fundamental principles of international law, which prohibited interference in the internal affairs of States and enjoined respect for their sovereignty and territorial integrity. They were an obstacle to the self-determination of all peoples combating colonialism and foreign domination. For that reason, her delegation supported the efforts of the Special Rapporteur on the question of the use of mercenaries and welcomed the adoption by the General Assembly, in its resolution 44/43 of 4 December 1989, of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries.

75. In conclusion, her delegation hoped to see the victory, 30 years after the adoption by the General Assembly, in its resolution 1514 (XV), of the Declaration on the Granting of Independence to Colonial Countries and Peoples, of all peoples fighting for their freedom, independence and dignity and, in particular, the heroic Palestinian people and the peoples of southern Africa.

76. Mr. OGOURTSOV (Observer for the Byelorussian Soviet Socialist Republic) said that observance of the right of peoples to self-determination and their other fundamental rights and freedoms was the basis of peace at home and security abroad; it was a pre-condition for the efforts being made by the United Nations to promote human rights and peace in the world.

77. His delegation was pleased that steps were at last being taken to settle the question of Namibia. It had been proved that the collective efforts of all parties to a conflict, when based on strict observance of the principles of the United Nations Charter and the rules of international law and, in particular, on respect for the national sovereignty of a State and non-interference in its internal affairs, could overcome the obstacles to resolving the conflict. Despite that progress, however, it should not be forgotten that there were still 20 or so territories throughout the world which were non-self-governing or, in other words, not yet independent and for which the international community was responsible.

78. While endorsing the measures taken by the United Nations, his country hoped that the struggle against oppression and occupation would be continued. At a time when international relations were becoming more democratic, freedom of choice was a necessary condition for the unfettered development of peoples and the strengthening of human rights. That was a general principle to which there could be no exception.

79. Mr. STROHAL (Observer for Austria) said that the historic decision of the Palestine National Congress in Algiers in November 1988, by which the PLO had renounced terrorism and accepted Security Council resolutions 242 (1967) and 338 (1973), and the subsequent decision of the United States Government to open a dialogue with the PLO had given rise to hope for a just and peaceful solution to the Arab-Israeli conflict. However, that momentum had unfortunately been lost owing to the refusal of one of the parties to take the opportunity to progress towards peace and the failute to open negotiations between the parties concerned. Furthermore, the situation in the occupied territories had deteriorated, as noted by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories in its report (A/44/599) covering the period between August 1988 and August 1989. During that period, there had been an increase in the frequency of daily incidents, causing the deaths of hundreds of civilians of all ages. The situation had been aggravated by the fact that Israeli settlers were taking an increasingly active part in the repression by carrying out

"retaliation and intimidation" raids against Palestinian villages. Austria was deeply concerned by the repeated and disproportionate use of firearms and tear-gas against children; such acts could not be justified by the need to maintain order, but served rather to inflict indiscriminate collective punishment and political repression. His delegation was also concerned by the abuse by the Israeli army of the personnel and installations of humanitarian organizations, including UNWRA, which were no longer assured of the protection necessary for the fulfilment of their noble task.

80. Austria had made repeated protests against the practices of the occupying power. It therefore reiterated its appeal to the Israeli Government to cease its repressive measures, which were in flagrant violation of international humanitarian law and, in particular, the fourth Geneva Convention of 1949 relative to the Protection of Civilian Persons in Time of War, which was binding on Israel.

81. The changes that had taken place in other regions of the world where human rights had become a reality gave reason to think that hopes for the peaceful settlement of conflicts were justified, even in the occupied Arab territories. Peaceful solutions could, however, come about only through dialogue and negotiation, not through force and intimidation. His delegation therefore expressed its appreciation to all the Palestinians, Israelis and representatives of non-governmental organizations and United Nations agencies who had taken part in the third United Nations European Regional Seminar and the sixth International NGO Meeting on the Question of Palestine held in Vienna from 28 August to 1 September 1989. They had proved that constructive dialogue was possible. Austria remained firmly committed to the principle of a negotiated settlement of the Middle East conflict, the basic requirements for which were the implementation of Security Council resolutions 242 (1967) and 338 (1973), the withdrawal of Israeli forces from the Arab territories they occupied, respect for the right of all States including Israel to exist within secure and internationally recognized boundaries, recognition of the national rights of the Palestinian people and participation by its legitimate representative, the PLO, in the negotiation process.

82. Austria continued to believe that the holding of an international peace conference on the Middle East under United Nations auspices with the participation of the five permanent members of the Security Council and all other parties concerned in the Arab-Israeli conflict was the only way to achieve a just and peaceful solution to one of the most enduring and tragic conflicts of the present time and, as a result, to restore the human rights of the population affected. A lasting peace could only be achieved by respect for human rights, international law and justice.

83. Mr. NADIF (Observer for Jordan), speaking in exercise of the right of reply, said that he would remind the representative of the World Union for Progressive Judaism, who had distorted the truth and attempted to give a false picture of the Jordanian elections, when in fact they had been carried out in a perfectly free and democratic manner, that, in the country supported by that representative, there were fanatical religious parties and extremists who wished to expel Palestinians from their territory and remove all traces of their existence from their national soil.

The meeting rose at 6 p.m.